

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BEFORE: JAMES M. WICKS, U.S. MAGISTRATE JUDGE

DATE: 11/9/2021

TIME: 4:00 PM

☐ SEALED PROCEEDING

CIVIL CAUSE FOR MOTION HEARING (video)

CASE: 2:20-cv-01501-JS-JMW, White v. County of Suffolk et. al.

APPEARANCES:

For Plaintiff: Stephanie McClure

For Defendants: Brian C. Mitchell and Kyle O. Wood

Court Reporter/FTR: 4:02-5:08 (video)

THE FOLLOWING RULINGS WERE MADE:

- ☒ For the reasons stated on the record during oral argument held on November 9, 2021, Plaintiff's motion to compel [69] is granted in part and denied in part as follows:

Plaintiff's motion to compel *Monell*-related discovery is granted in part as follows: Plaintiff shall provide Defendants with a list articulating the specific types of case files that are being sought, tailored to the claims being asserted in this case, on or before November 19, 2021 and Defendants shall respond on or before December 20, 2021. To the extent that Defendants do not have responsive documents, Defendants shall provide an affidavit stating so. This includes the demands for *Monell* discovery pertaining to Defendant Thomas Spota. As to Plaintiff's request for *Monell* discovery pertaining to the *Keith Bush* file and *Martin Tankleff* file, that is denied without prejudice, on the basis of Rule 26's prescription of proportionality. Plaintiff may renew the request if, after conducting further discovery, a basis is established to assert that the records are proportionate to the needs of the case.

Plaintiff's request for the police investigation/internal affairs records is granted. Defendants are directed to provide the requested discovery, and if there are specific documents that Defendants claim are confidential, Defendants shall provide a privilege log, or alternatively provide all documents and the parties shall then meet and confer to discuss a confidentiality stipulation and order as to the specific documents claimed to be confidential (personal identifying information such as social security numbers, dates of birth, home addresses, and the names of family members may be redacted prior to disclosure). Plaintiff's request for documents relating to alleged editing of relevant surveillance video between Defendants and a private technology company is denied without prejudice; and,

Plaintiff's request for records pertaining to the federal investigation and prosecution of Defendant Thomas Spota is denied without prejudice. Plaintiff has alternative routes to pursue such discovery in the face of Defendant's representation it does not have possession, custody or control of anything further to be produced.

SO ORDERED

/s/James M. Wicks

JAMES M. WICKS

United States Magistrate Judge